

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 -----  
4 UNITED STATES OF AMERICA : Cr. No. 04-10357-MEL  
5 :  
6 :  
7 V. : Courtroom No. 8  
8 : 1 Courthouse Way  
9 : Boston, MA 02210  
10 RASHIEK T. CANNON : 2:15 p.m., Monday  
11 ----- October 1, 2007

12 Change of Plea

13 Before: THE HONORABLE MORRIS E. LASKER,  
14 UNITED STATES SENIOR DISTRICT JUDGE

15 APPEARANCES:

16 Paul R. Moore, Assistant United States Attorney,  
17 1 Courthouse Way, Suite 9200, Boston, MA 02210-3002,  
on behalf of the Government.

18 Edward L. Hayden, Esquire,,  
19 7 Franklin Street, Lynn, MA 01902,  
on behalf of the Defendant.

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21  
22 Marie L. Cloonan  
23 Federal Court Reporter  
24 1 Courthouse Way - Room 7200  
Boston, MA 02210- 617-439-7086  
Mechanical Steno - Transcript by Computer

THE COURT: Good afternoon, everyone.

THE CLERK: Criminal 04-10357, United States  
of America versus Rashiek T. Cannon.

Would the attorneys please identify themselves and who they represent for the Court.

MR. MOORE: Good afternoon, your Honor, Paul Moore for the United States.

THE COURT: Good afternoon Mr. Moore.

MR. HAYDEN: Good afternoon, your Honor,  
Edward Hayden for Mr. Cannon.

THE COURT: Good afternoon, Mr. Hayden.

I understand we're here this afternoon to accept Mr. Cannon's plea to the single charge in the indictment.

MR. HAYDEN: That's correct, your Honor.

THE COURT: May I ask you a few questions before I question Mr. Cannon?

MR. HAYDEN: Yes, your Honor.

THE COURT: How long have you represented the defendant?

MR. HAYDEN: Since October 20th of '06.

THE COURT: And how much time would you say you have spent going over the case with him?

MR. HAYDEN: Actually speaking with him, I think I've probably been to Plymouth to speak to him,

1 I'm going to say five, six, times.

2 THE COURT: Good.

3 Are you satisfied that he understands the  
4 nature of the charge against him?

5 MR. HAYDEN: Yes.

6 THE COURT: Are you satisfied that he  
7 understands what his rights are to a jury trial?

8 MR. HAYDEN: Yes, your Honor.

9 THE COURT: He's voluntarily proposing to give  
10 them up?

11 MR. HAYDEN: Yes, your Honor.

12 THE COURT: Are you satisfied that if the  
13 government went to trial on this case that the  
14 government would probably prevail?

15 MR. HAYDEN: Yes, your Honor.

16 THE COURT: Thank you, you may be seated.

17 Good afternoon, Mr. Cannon, would you stand.

18 THE DEFENDANT: Good afternoon.

19 THE COURT: Mr. Cannon, how old are you?

20 THE WITNESS: Twenty-six.

21 THE COURT: And how much schooling have you  
22 had?

23 THE DEFENDANT: Tenth grade.

24 THE COURT: Where did you go to school?

25 THE DEFENDANT: Brockton High.

THE COURT: Have you ever been addicted to drugs or alcohol?

THE DEFENDANT: No, your Honor.

THE COURT: Are you under the influence of any drug or sedative right now?

THE DEFENDANT: No your Honor.

THE COURT: Are you thinking pretty clearly?

THE DEFENDANT: Yes.

THE COURT: Mr. Cannon, I've been advised that you wish to plead guilty to the charge against you, the only charge against you, that on or about October 5th, 2004 -- that's three years ago, now -- at Brockton, that you who have been convicted before of crime punishable by more than a year knowingly possessed a .38 caliber Charter Arms revolver and some ammunition.

Is that the charge that you wish to plead guilty to?

THE DEFENDANT: Yes, your Honor.

THE COURT: Tell me in your own words what you did that makes you guilty of that charge.

THE DEFENDANT: I just had the firearm that they claimed I did.

THE COURT: And you possessed it on your own, nobody forced you to do so; is that right?

THE DEFENDANT: No.

THE COURT: Mr. Cannon, you understand that you are not required to plead guilty to this charge. You have the right to go to trial on it and make the government prove it's case. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that if there were a trial, you couldn't be convicted unless all 12 members of the jury agreed that the government has proven its case against you beyond a reasonable doubt? Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: And you understand that at a trial you could be represented by your attorney and he could examine and cross-examine the witnesses against you, and you could testify, if you wanted to, and you could not testify if you didn't want to. Do you understand all that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand if I accept your  
plea of guilty there won't be any trial?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that if I accept your plea of guilty and there's no trial, that I could impose the same penalty as if the jury found you guilty?

THE DEFENDANT: Yes, your Honor.

THE COURT: And, do you understand what that maximum penalty might be?

MR. MOORE: Your Honor, it's up to ten years of imprisonment, and a fine of up to \$250,000, up to three years of supervised release and a mandatory special assessment of up to \$100.

THE COURT: Did you hear what the United States Attorney said?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do I understand that that's the possible sentence you would like to be imposed here?

THE DEFENDANT: Yes.

THE COURT: Let me ask you, Mr. Cannon, has anybody promised you anything that would advantage you as a result of pleading guilty except that your plea will be recognized by a certain reduction?

THE DEFENDANT: Yes, your Honor.

THE COURT: Has anybody threatend you or anybody close to you to make you plead guilty?

THE DEFENDANT: No, your Honor.

THE COURT: Are you pleading guilty of your own free will?

THE DEFENDANT: Yes, your Honor.

THE COURT: What makes you plead guilty to this charge at this time, then?

Or I should say why? Why?

THE DEFENDANT: Because I possessed that firearm, and I know it's the right thing to do at the time.

THE COURT: Am I correct that you did it and there is no point in going through a trial?

THE DEFENDANT: Yes.

THE COURT: All right.

Now, you will be given credit for the time you served in federal custody on this charge.

THE DEFENDANT: Yes, your Honor.

THE COURT: That will reduce the amount of time you will spend in jail. And, if you behave properly in prison, you will also be given a reduction of around 50 to 54 days per year.

Are there any other questions that either  
counsel wants me to put to the Defendant?

MR. HAYDEN: No, your Honor.

MR. MOORE: No, your Honor.

THE COURT: Thank you. You may be seated.

I am satisfied that Mr. Cannon understands what his rights are with regard to a trial. He is not required to plead guilty to this charge. And he pleads guilty voluntary and knowledgeably and that the facts are such as to there charge and I will accept the plea.

1           We will set a sentencing date at this time which should  
2           be in the fairly near future because we already have a  
3           sentencing report.

4           THE CLERK: The sentencing date will be  
5           October 30th, 2007 at 2:30.

6           THE COURT: Very good.

7           If that is the Defendant's family in the back,  
8           I want you to know that I think Mr. Cannon was wise to  
9           plead guilty today and that will be taken into  
10           consideration in deciding what the sentencing ought to  
11           be. Thank you, very much.

12           (Whereupon the hearing was concluded at 2:35 p.m.)

13

14           CERTIFICATE

15           I, Marie L. Cloonan, Official Reporter of the  
16           United States District Court, do hereby certify that the  
17           foregoing transcript, from Page 1 to Page 8, constitutes to  
18           the best of my skill and ability a true and accurate  
19           transcription of my stenotype notes taken in the matter of  
20           Criminal No. 04-10357-MEL, United States of America v.  
21           Rashiek T. Cannon.

22

23           \s\

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25           Marie L. Cloonan